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The Los Angeles Bar Association BULLETIN

Official Publication of the Los Angeles Bar Association, Los Angeles, California

CALIFORNIA BAR AND BANKS MAKE PACT

**LAWYER ANSWERS PRESS ATTACK ON TRIAL
PROCEDURE**

WOMEN LAWYERS CONVENE HERE IN JULY

A JUNIOR PLAN

BAR CONVENTION ENTERTAINMENT PROGRAM

WRONGFUL DETENTION OF PERSONAL PROPERTY

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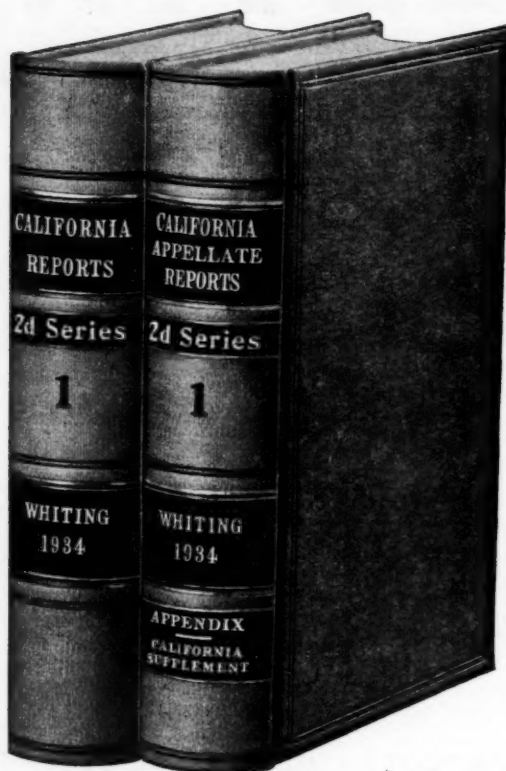
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CALIFORNIA BAR AND BANKS MAKE PACT

Suits Instituted by State Bar Charging Illegal Practice of Law Dismissed. Banks Agree Not to Draw Wills and Certain Other Instruments. Standing Conference Committee Created. Agreement Avoids Defining What Is Or Is Not Practicing Law.

ports

TION

THE long-pending suits brought by the State Bar of California against the Security-First National Bank of Los Angeles, and the Bank of America, respectively, charging that law practice by the banks was an abuse of the State Bar's franchise and an invasion of the franchises of the active members of the State Bar, has just resulted in a compromise agreement and a dismissal of the actions.

The agreement was approved by the Board of Governors of the State Bar May 17, and by the Executive Council of the California Bankers' Association May 21, 1935.

The agreement follows:

WHEREAS the State Bar of California and the California Bankers' Association desire to arrive at an understanding and to provide a method for the adjustment of any differences that may arise between them; and

WHEREAS each of the parties hereto recognizes that trust business is the business of administering estates and trusts, and acting as agent in all appropriate cases and engaging in other trust activities; that it is advisable that a trust institution should limit its functions to such services; that attorneys-at-law constitute a professional group that performs essential functions in relation to trust business; that attorneys-at-law recognize the advantages inherent in corporate fiduciary service and have a community of interest with trust institutions in the common end of service to the public; and that the maintenance of harmonious relations between trust institutions and members of the bar is in the best interests of both, and of the public as well;

NOW, THEREFORE, the parties hereto accept the following as proper principles and canons of conduct, and adopt the procedure herein laid down for the adjustment of differences between them:

(1) It is to the best interest of the public for a prospective testator to employ its own attorney or an attorney of his own selection and to have full opportunity for free consultation with the attorney who prepares his will.

The banks declare that they do not and will not draw wills or codicils thereto.

A prospective testator may consult and discuss with a bank any contemplated appointment of such bank in any capacity under a will or codicil, and the bank may collaborate with the attorney of the prospective testator in the preparation of any such will or codicil.

(2) An attorney consulted or employed by a client for the preparation of any instrument under which a bank is to be appointed in a fiduciary capacity should suggest to the client the desirability of permitting the bank to examine the instrument for the purpose of ascertaining if it will consent to act thereunder; and, in all cases where the customer of a bank desires to name said bank as executor or trustee, an attorney should, with the consent of his client, confer with the bank with respect to the preparation of such instrument and such appointment.

(3) A bank shall not refer a person to any attorney for services in connection with the drafting of any instrument in which the bank may be named as executor or trustee but, where a person desiring to name a bank as executor or as trustee states that he has no attorney of his own whom he desires to act for him and requests the bank to suggest an attorney, the bank may suggest several attorneys, among whom shall not be included any attorney regularly employed or retained as the bank's counsel.

(4) A trustee shall not accept any living trust, revocable or irrevocable, unless the instrument creating it has been prepared or approved by an independent attorney of the trustor's own selection.

(5) The trustee under the ordinary deed of trust securing a promissory note or notes payable to named payee or payees may prepare such notices and instruments and perform such acts as are usually required in connection with the discharge of its duties as trustee under such deed of trust.

(6) Where a bank is employed to act as escrow agent, it is entitled to prepare or cause to be prepared the escrow instructions defining its rights, duties and liabilities as escrow agent. It shall not draft, by its own counsel or otherwise, the agreement between the parties, or the instruments to be held or delivered under the escrow; but this provision shall not be deemed to prohibit the escrow agent, where requested so to do by a party to the escrow, from preparing for deposit under such escrow ordinary instruments in general use and of established form, such as deeds, mortgages, assignments, releases and the like (but not including leases or agreements), and which are generally printed and commonly used in real estate transactions, where such preparation consists in filling in blanks in such printed instruments or in retyping such printed form of instruments and including therein matters which otherwise would be inserted in blank in such printed form. Such escrow agent shall not give legal advice to the parties concerning their respective rights and obligations, but shall, when any party appears uncertain concerning the same, advise such parties to consult an attorney.

As to the preparation of instruments to be used in connection with escrows, as in this paragraph (6) referred to, a bank shall not advertise that it will prepare such instruments.

(7) A bank shall not make appearance in any court except by an attorney representing it, and shall not, directly or indirectly, apply to its own use or receive the benefit of any part of the fee allowed or paid to any attorney.

(8) A bank shall not in its advertising or soliciting hold itself out as prepared to give legal advice or render legal services.

(9) In every situation where under this instrument, or otherwise, a customer is entitled to the independent advice or service of an attorney, the undivided character of the allegiance of such attorney to his client shall be scrupulously maintained and respected.

(10) It is not intended herein to define what is or is not practicing law. As to matters herein specified and as to other matters which may arise it is the intent and spirit of this instrument that every bank should endeavor to conduct its business so that it cannot justly be said that it is practicing law.

(11) The term bank as used herein shall include banks, trust companies and trust departments of other corporations; the term attorney as used herein means attorney-at-law.

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(City and County—Organized 1888)

Secretary's Office: 1126 Rowan Bldg., Los Angeles. Telephone VAndike 5701

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(12) The parties hereto agree that they will in good faith promote and recommend the observance by their constituent members of the principles and canons herein set forth. They deem the observance thereof to be conducive to sound and orderly banking, and to sound and orderly legal practice, and the public interest.

(13) There shall be a standing conference committee of six members for the administration hereof, three appointed by the Board of Governors of the State Bar and three appointed by the Executive Council of the California Bankers Association. The first meeting of said Committee shall be called by joint notice of the Presidents of the respective organizations. The Committee shall adopt its own rules providing for calling of meetings and conduct of its business. Said Committee shall hear complaints and consider questions arising hereunder presented by members of the State Bar, the banks or other interested persons, and shall take such steps in regard thereto as may seem desirable. This instrument shall become effective when approved by the Executive Council of the California Bankers Association and by the Board of Governors of the State Bar of California.

(14) This instrument may be revoked by either party hereto upon sixty (60) days' notice in writing to the other. In case of such revocation, the rights, privileges or duties of the parties and of their constituent members shall not be prejudiced by the execution or performance hereof, nor shall anything herein be deemed to constitute an admission as to what is, or is not permissible under the law.

The stipulation dismissing the actions are signed by Philbrick McCoy, attorney for plaintiff and appellant, and Oscar Lawler, O'Melveny, Tuller & Myers, by Louis W. Myers, attorneys for defendant and respondent.

"Now is the Time for All Good Men to Come to the Aid of". . . . The Bar Association

I APOLOGIZE to the typewriter manufacturers for plagiarizing this old familiar line, but it just fits our situation.

NOW is the time.

Big things are happening in our Association, and any member of the Bar who is a real lawyer at heart—who loves and believes in his profession—will want to be "in on" them.

The American Bar Association personifies the highest ideals and ambitions of our profession.

For fifty-seven years the members of this loyal group of pioneers have gathered annually somewhere in these United States and have worked and played together with but one end in view:—the betterment of lawyers as men, the advancement of our profession, and the furtherance of the ends of justice.

Next month, for the first time, these visitors come to our house. We must have it in order. This end can only be attained through the individual support of each member of our Association.

Just a few of the things we will do—

Reproduce the beautiful Constitutional Pageant.

Take our visitors to the world-famous Huntington Library, where refreshments will be served.

Take them through the motion picture studios, whose executives have graciously, and at a sacrifice to their business, arranged this treat.

A night at the Symphony under the Stars at Hollywood Bowl.

A trip to Catalina for certain of the delegates.

Fruit and flowers will be placed in each room.

The foregoing only touches the highlights of our plans.

We know you will be enthusiastic in your approval of our plans, but obviously a considerable sum of money must be raised promptly, so when you receive a notice, requesting your donation, **PLEASE GIVE IT THE CONSIDERATION IT DESERVES**, and mail your remittance promptly.

Certain of our busiest lawyers will give practically all of their time from now until the end of the Convention, besides donating liberally.

To give you some idea of our efforts,—one hundred and sixty-eight men and women are actually working on Committees, striving to do something big and fine and lasting for the Los Angeles Bar Association.

A short time ago, I asked for volunteers who would agree to endeavor to secure eight **NEW** members.

A surprising number volunteered. The names of the eight prospective members have been sent to these volunteers, but some of them have not been heard from.

Won't you please get busy—see these men—tell them of the above—show them why they should belong to our Association—why, indeed, they will be proud to belong to it when they see what we do in July, when lawyers and the judiciary from the far corners of the United States gather with us.

After our guests have gone home, do you want to look back and say to yourself, "I had nothing to do with it"?

Again—Now is the time!

Sincerely and enthusiastically yours,

JOE CRIDER, JR., President.

Los Angeles Bar Association

American Bar Delegates to be Entertained During Convention Week July 15-19

THE definite program of entertainment during the meeting of the National Conference of Commissioners on Uniform State Laws and the American Bar Association has been arranged by the Entertainment Committee and Hostess Committee of the General Committee on Arrangements of the Los Angeles Bar Association.

Tuesday, July 9—Tea for ladies accompanying the National Conference of Commissioners on Uniform State Laws, in the Women's Athletic Club from 4 to 6.

Wednesday, July 10—Luncheon and Fashion Show at the Lido, Ambassador Hotel, for the ladies accompanying the National Conference of Commissioners on Uniform State Laws, at 12.30.

Wednesday evening—The annual dinner of Conference of Commissioners will be held in the Biltmore Hotel.

Thursday, July 11—The Commissioners and their ladies will be entertained at a production of the "Pilgrimage Play," Hollywood, at 8 o'clock.

Friday, July 12—Luncheon for the ladies accompanying the Commissioners, at Los Angeles Country Club at 1 o'clock.

Sunday, July 14—All-day trip to Catalina Island for the Commissioners and their ladies.

Tuesday, July 16—"Symphony Under the Stars" by the Los Angeles Philharmonic Orchestra at the Hollywood Bowl, Willem Mengelberg, conductor.

Wednesday, July 17—Barbecue luncheon at the Uplifters' Club in Santa Monica Canyon for the ladies accompanying members, at 1 o'clock.

Wednesday evening—President's Reception, 10 P. M.

Thursday, July 18—Annual Dinner, at 7 o'clock, Biltmore Hotel.

Friday, July 19—*Afternoon*: Exhibition at the Huntington Library and Art Gallery followed by a garden party and tea on the terrace.

Evening: Pageant—"The Making of the Constitution of the United States of America," with tableaux.

Saturday, July 20—Motor trip and visit to motion picture studios.

In addition to the above definite program, it is expected that a large number of the visitors will avail themselves of the opportunity to visit the California Pacific International Exposition at San Diego, at the close of the Convention. It is only 120 miles from Los Angeles to San Diego and visitors may go either by motor over splendid roads in less than four hours, by train or by airplane.

U. S. Supreme Court Sets a Limit. Prosecutor May Not Strike Foul Blows.

"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Harry Berger v. United States of America, Vol. 79, U. S. Supreme Court Law Ed. Advance Opinions, p. 667 at page 672.

A CHALLENGE AND AN ANSWER

Press Attacks Trial Procedure. Lawyer Makes Reply.

The San Francisco Chronicle, taking the Lamson trial as an example, recently printed a display editorial on its first page, condemning court procedure that permits of long-drawn-out trials. To this challenge Mr. Norman S. Sterry, of the Los Angeles Bar, has made a spirited reply. Lack of space, unfortunately, does not permit the use of Mr. Sterry's reply in full.

"LAMSON TRIAL CHALLENGES AMERICA TO SIMPLIFY OUR ABSURD COURT PROCEDURE."

(San Francisco Chronicle, May 16, 1935.)

"The second Lamson trial failed of a verdict of the guilt or innocence of the accused, but it did render a verdict, unanimously agreed to by the public, of the absurdity of our judicial system. A trial lasting eighty-one days—nearly a quarter of a year—is in itself a reduction to absurdity.

"But it is more than that. It amounts, in fact, to a denial of justice. The cost to a country is beyond all reason. And to the individual accused it is crushing.

* * *

"Fundamentally the trouble lies in treating judicial procedure as a contest. The parties are assumed to be equal protagonists—or antagonists. The courtroom is an arena. The judge is an umpire. The sky is the limit and time is not of the essence of the contest.

"The defendant must match investigators with investigators, experts with experts, counsel with counsel. Except in the case of a defendant wealthy in his own right, the only recourse is an appeal to relatives, friends and the public. This inevitably takes the issue beyond the courtroom and divides public sentiment.

* * *

"Is this situation beyond remedy? Obviously not. In England, from which we inherited our judicial system—but before the English reformed it—things are done differently. The trial judge dominates the proceeding. Juries are promptly selected and the evidence is presented in an orderly manner, without time-consuming wrangling and exhausting cross-examinations. There are no circus stunts.

"An English murder trial takes on the average three days and an appeal is settled in two weeks after it is taken.

"That shows it can be done—and done under the traditions of the Anglo-Saxon policy that a man is presumed to be innocent until proved guilty, and that it is better that a hundred guilty men escape than that one innocent man be convicted.

* * *

"Since it can be done it is a challenge to us to do it. A start has been made in the recently adopted initiative amendments looking to surer and swifter administration of criminal law. If the Lamson case will crystallize public sentiment to do what still remains to be done, it will have served a public purpose.

"In the interest of respect for law, in the interest of the rights of the people and of the accused, let us hope that a simple and just procedure will result."

A Hot Reply to the Chronicle's Charges!

By Norman S. Sterry, of the Los Angeles Bar,
Chairman State Bar Committee on Administration of Justice

Mr. Chester Rowell,
Editor, *San Francisco Chronicle*,

May 24th, 1935.

My dear Mr. Rowell:

While I agree entirely with the conclusions expressed in your editorial, will you permit me to point out that I think you are making the fundamental error of most laymen in supposing that the trouble with the administration of justice is in the written law or procedure, and that the rules of procedure must be simplified.

The great and fundamental cause of the defects in the administration of civil and criminal justice in this country is the method in which the laws are administered. In your editorial comments, you call attention to the expeditious manner in which criminal justice is administered in England.

The cause, however, of the perfection of English justice is not in the difference of procedure but in the fact that the law, substantive and procedural, is administered by trained experts—I am referring not alone to the judges but to the barristers and counselors who conduct trials.

My knowledge of the English system has been obtained only from reading, and conversations with British barristers. Hence, its accuracy is probably only approximate.

As I understand, there is no absolute right of admission to the Bar. Before one can be admitted to the Bar (and a lawyer is not a member of the Bar) he must join one of the Inns of Court, I think there are four of them. As I understand, he is not admitted to the Bar until the Benchers or governing body feel he has attained a sufficient proficiency. Admitted to the Bar, he cannot, as in this country, conduct a trial, but must act as a junior counsel, and the duties which he performs are limited. While he is acting as junior counsel, the senior or leading counsel is usually a man of experience and ability, so that the English barrister in the first years of his practice is obtaining practical training under men of proven ability and integrity, because I believe that few, if any, men are admitted to the Bar in England whose integrity is not unquestioned. The barrister is not advanced to the rank of counsel unless and until he has proved himself sufficiently proficient in the discharge of his duties in trials as a junior counsel. The result is that few, if any, men at the Bar in England are in a position to take an important part in the trial of a civil or criminal case until they have been thoroughly drilled and schooled in trial work in the manner outlined, and as indicated, *the integrity of the members of the Bar is usually beyond question.*

The judges of the English court are selected from the leaders of the Bar purely for their judicial qualifications and not with regard to political strength. No man reaches the Bench in England who has not become a leader among expert trial lawyers, and the men who appear before him are themselves experts. The result is that tactics which are constantly indulged in here in the trial of civil and criminal cases before a jury would not be tolerated for a moment in England.

Contrast the system in vogue in this country: Here we have a general feeling that being a free country, it is the right of every man to practice any profession which he sees fit. Admission to the Bar carries with it the right immediately to appear before any court of record. While, theoretically, only persons of good moral character are admitted to the Bar, there is really no way, as in England, of judging the moral character of applicants, and practically any person who can pass the examination obtains a license to practice. The result is that the ranks of the profession are overcrowded. While the majority of lawyers are able and honest, there is a minority which, during the last decade, has unfortunately been increasing, of men who are both unskilled in their profession and utterly unscrupulous morally. Unfortunately, the entire Bar bears the stigma attaching to the conduct of the minority.

The deleterious effect of an overcrowded legal profession upon the body politic has not been at all realized. Its members are officers of the court, empowered to set in motion the machinery of civil litigation and, where they have the opportunity, of raising spurious defenses of persons charged with crime. While some of the superfluous lawyers simply eke out a bare existence without doing much harm, there is a small—but efficient—minority who prey upon the public and who have brought the entire administration of justice into disrepute in lay minds. Furthermore, the lawyer who has a small amount of practice has time for politics, for attending various public meetings, state societies and conventions.

With no persons or body politic organized to select candidates for judicial office for their qualifications, and with the right of anyone to submit himself as a candidate for

judicial office, the result has been that in large communities a number of men have been elected to the Bench who have had no real experience and who are not qualified by training to exercise that high office. These remarks are not in disrespect of our courts. The majority of our judges are honest and able, but it is unfortunately true that the judicial ranks are being permeated with an increasing minority of men who have not had sufficient experience or training at the Bar to warrant the exercise of high judicial functions, and now and then a man lacking in moral calibre finds a place upon the Bench.

Now, as long as the conditions I have outlined exist, our Codes of Civil and Criminal Procedure can be rewritten until one is black in the face without improving the administration either of civil or criminal justice. If you were to organize an automobile race from your city to the top of Mount Tamalpais between Eddie Rickenbacher driving an old model-T Ford and an inexperienced automobilist in the latest Packard or Cadillac who had never motored off city streets, there would be very little doubt in your mind that Mr. Rickenbacher would win the race, even assuming his opponent stayed on the road. The probabilities are he would go off at the first turn.

We cannot approach anywhere near the ideal perfection of the administration of English justice so long as present conditions prevail of an overcrowded Bar. Unfortunately, the popular trend does not seem to be towards remedying the evil. Every attempt of the Bar to make admissions more difficult and more stringent is met with great resistance and is generally nullified. There is also constant agitation against the disciplinary efforts of the State Bar. This mostly is started by friends of attorneys who have been, or should be, disciplined for unethical professional conduct. Indeed, I doubt if any layman or many lawyers realize the great difficulties which the officers of the State Bar have constantly encountered in their untiring efforts to rid the Bar of undesirable members, and to place some small check upon the admission of undesirable applicants.

Any number of law schools, east and west, are turning out aspirants to the Bar as a sausage machine turns out links of sausage, and even under the most stringent restrictions which courts and the Bar are at present able to impose, there is no real method by which the actual integrity and honesty of the applicant for admission to the Bar can be tested. The importance to the body politic of a Bar, the entire integrity of which is one hundred per cent, cannot be overestimated. Courts and juries can only pass upon the case presented to them. Unscrupulous lawyers who have no hesitancy in bringing blackmail suits, or advancing spurious and unworthy defenses, or in covering up evidence, have almost unlimited opportunity in any country to work incredible mischief.

Again, you must remember that in England, Scotland Yard has the finest secret service and detective department in the world, composed of men who have been scientifically trained for that work. An immediate investigation following discovery of a crime is made by men who are trained in gathering and preserving evidence before it can be obliterated, so that the Crown counsel can succinctly and precisely present all of the evidence. The Crown counsel in England do not feel they are called upon to convict a defendant for a so-called record, but that it is their duty to present the case fairly, and I understand that a defendant is fairly defended in the usual English trial.

I do not believe there can ever be any great improvement in the administration of justice in this country until an enlightened and aroused public sentiment demands:

- (1) That the number of men permitted to practice law in this country be limited in pro ration to the per capita of the community.
- (2) That the ability of the Bar to discipline itself be unrestricted.
- (3) That machinery be established to prevent dishonest and immoral men from obtaining a license to practice.
- (4) That a method be devised for the selection of judicial officers from the leaders of the Bar, men who, by their practice at the Bar, have proven themselves not only thoroughly adept in the consideration and discussion of questions of fact and rules of law, but to be mentally and morally honest and entirely fearless.

To assume, that under our present system, we can approach the perfection of the English system, or even a substantial improvement in the administration of justice by changes of law, of substance or procedure, is as absurd as it would be to assume that you could make a successful big game hunter out of a city-bred man who had never been out of a metropolitan area, and who was suffering from a bad case of astigmatism, by equipping him with the proper clothes and placing in his hands the most modern hunting rifle.

In conclusion, I do not wish you to understand that I think the administration of justice is entirely hopeless in this country. I think the large majority of cases, civil and criminal, are correctly determined. The majority of judges and lawyers are, as I have repeatedly said, able and honest, but one would be blind indeed who did not realize that the minority of the Bench and Bar are rapidly bringing the administration of justice into disrepute.

The above views are an expression of my own personal opinion. I am not authorized and do not attempt to speak on behalf of the State Bar or its committee on administration of justice.

I realize that as I am known only to a few clients and personal friends, my views on this most important subject are unimportant and can carry little weight, but I am so thoroughly convinced of the necessity of reforming the administration of justice in the manner indicated that I have determined to overlook no excuse to present my views to those who, like yourself, are in a position to influence public opinion, in the hope that somewhere and sometime, a seed will be planted that will later develop a public movement towards the only way and method in which the administration of justice in this country can be materially improved.

Very respectfully, NORMAN S. STERRY.

A BASIS

FOR

COOPERATION

We feel that the mutual acceptance of the Agreement between the State Bar of California and the California Bankers Association forms a basis for cooperation between attorneys and trust companies which should result in mutual benefit to them as well as to the public.

CALIFORNIA TRUST COMPANY

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CITIZENS NATIONAL BANK
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Correct Forms for Trust Deeds...

MOST of those in California who are in the business of loaning money on real estate security prefer the TRUST DEED whether for the first or for junior liens.

The wording of a Trust Deed is important. The ordinary form is often inadequate for special circumstances. Security-First National Bank has prepared several forms of Trust Deeds to fit varying needs with the changes made necessary by recent legislation.

We have printed an extra supply of these "legal blanks," prepared by competent and experienced attorneys, framed in words whose exact meanings have been determined by the courts.

Attorneys may obtain forms at any Security-First branch or office. There is no charge for them.

**SECURITY-FIRST NATIONAL
BANK OF LOS ANGELES**

National Women Lawyers Association Thirty-Sixth Annual Meeting in Los Angeles

By Rosalind G. Bates, of the Los Angeles Bar Association

FOR the first time in its existence of thirty-six years, the National Women Lawyers Association will hold its annual meeting in California when the organization opens its convention at the Hotel Clark, on July 15th and 16th, in Los Angeles. The women lawyers have arranged their sessions in cooperation with the American Bar Association so that attorneys may attend the meetings of both groups. As part of this plan of cooperation, the regular session of the women attorneys on Tuesday afternoon will adjourn so that their delegates and guests may go in a body to the Philharmonic Auditorium to hear the address of President Scott Loftin of the national group.

During the two-days' session which will culminate Tuesday evening with a banquet at the Biltmore Hotel, one of the topics to be discussed by the women attorneys is "The Women Lawyer and the Divorce Problem." This subject will be handled by Felice Cohn of the Nevada Bar; Rita Callaway of the Arkansas Bar and formerly of California, and Florence Harmon Dock, Guadalajara, Mexico.

Eleven women judges have made reservations for the banquet, including Judge Florence E. Allen of the United States Circuit Court of Appeal; Judge Camille Kelley of the Memphis Juvenile Court, and Judge Jeanette Brill of Brooklyn, New York. Judge Georgia P. Bullock has been appointed head of the reception committee including the following women attorneys: Constance Glass, Caroline Kellogg, Lucretia Norman, Catherine McKenna, Mab C. Lineman and Orfa Jean Shontz. Other heads of committees are: Grace Dempster, transportation committee, Miriam Olden Fendler, breakfast committee, Judge Ida May Adams, program committee, and Judge Oda Faulconer, registration committee.

LOS ANGELES BAR COOPERATION

The women attorneys from other states, guests of both the National Association and the American Bar, will be entertained with

a buffet supper at the Santa Monica home of Percilla Lawyer Randolph, Monday evening. This charming affair has been arranged through the courtesy of the Los Angeles Bar Association committee for the 1935 meeting of the American Bar Association of which Gurney E. Newlin is chairman. The reception and buffet supper to be held from 7:00 to 9:00 will be in honor of the visiting women judges. Judge Camille Kelley of the Juvenile Court of Memphis, Tennessee, who proved to be such a popular speaker at the Los Angeles Bar meeting in the fall of last year, will discuss Juvenile Court Problems following the reception.

On Tuesday morning, July 16th, there will be breakfast at the Hotel Clark in honor of the national officers. Judge Jeanette Brill, Magistrate of the City of New York, will discuss "Psychological Problems and Women Defendants." Attorney Grace Dempster, vice-president of the Southern California Council will preside, and the local committee in charge of the affair are: Faye Galen, Dena Jacobson, Anna Zasek, and Rose Phillips.

The banquet of the association will be held at the Hollywood Victor Hugo, Tuesday evening, with Rosalind Goodrich Bates, president of the Southern Council, acting as toastmistress. Local women attorneys in charge are: Percilla Lawyer Randolph, Edythe Jacobs, Aileen MacLymont, Grace Voorhees, Rose Hemperly. Judge Mary O'Toole of the Municipal Court of Washington, D. C., Dean Grace Hayes Riley of the Washington College of Law, Helen Hulbert, newly appointed county judge of Ouray, Colorado, and Judge Florence Etheridge Cobb of Wewoka, Oklahoma, will be the guest speakers. Governor Frank F. Merriam and Mayor Frank Shaw will speak briefly.

Norman A. Bailie, president of the California State Bar Association, is the only male member of the bar who has been asked to greet the feminine Portias. He will give

(Continued on page 231)

In Memorium



J. KARL LOBDELL

BORN APRIL 13, 1887

DECEASED JUNE 14, 1935

Mr. Lobdell was an outstanding Mason, an official of the Scottish Rite, a Trustee of the Los Angeles Bar Association, attorney for the Los Angeles Realty Board, and a member of the Jonathan and California Clubs and the Los Angeles Country Club.

Mr. Lobdell was a native of Los Angeles. He graduated from the University of Southern California Law School and from the University of Paris. He was a lieutenant in the United States Aviation Corps in France during the World War.

Mr. Lobdell married Miss May Purcell in 1928. They had no children. His wife and mother, Mrs. M. G. Lobdell, survive him.

THAT JUNIOR BARRISTER BUST

By Gus Mack, of the Los Angeles Bar

FRIDAY, June 14th, 1935, has now passed into history as voluble witness to the successful, scintillating and dazzling fourth annual bust of the Junior Barristers.

This affair, now a tradition amongst the "younger men at the Bar" since it was first inaugurated under the regime of Chairman Lowell Matthay in 1932, has grown each year so that it is now regarded as the prime get-together of the Junior Barristers annually.

One hundred odd of the boys, aided and abetted by a goodly scattering of judges, "Senior" members of the Bar Association, and guests, sat down to dinner in the spacious dining room of the Valley Park Country Club, 14200 Ventura boulevard, the scene of the festivities—and what happened from that time on is scarcely worth describing—you really had to be there to appreciate it. Suffice it to say, toothsome, sizzling steaks (Kansas City corn-fed), as the *piece de resistance*, plus fresh vegetables and a general delectable dinner, started the evening off with a bang.

Immediately following dinner, some semblance of order was obtained briefly by Jud Crary, chairman of the Junior Barristers, who introduced the guests. After the usual side-splitting super-comical series of yarns, Chairman Phil Davis of the committee in charge was introduced and he, in turn, started off a bang-up program consisting of the old Maestro Glen Edmunds and his band; some razzle-dazzle piano numbers by

Elliott "Bud" Pentz; and then followed a terrific drama of Los Angeles night life entitled: "A Knight in the Night Court," Milt Springer being on the lyric.

Afterwards, it was simply a case of every man for himself. "Time Marches On" and "Then Came the Dawn"—and the last remaining barristers wended their way back to probably a rather slow Saturday morning at the office.

Of course, you must not get the idea that the dinner and evening entertainment was the whole show. As early as 1:30 in the afternoon the followers of Bobby Jones were teeing off in the famous annual Blind Bogie Golf Tournament under the expert eye of Lewis W. Andrews, Jr. Shortly afterward, the tennis aspirants started at each other under the direction of Gus Mack. And just to make it an interesting afternoon and entirely versatile, others went a-horsebacking with Ken Rohrer. Another feature of the afternoon was a game of ball, the Great American Pastime, with Ken Chantry and his Weak Team putting up a great battle against Sid Cherniss' Professionals. Add to all this a little fancy horse-shoe pitching, swimming for those who wanted it, a side game of checkers and a terrific running legalistic lingo, and you have somewhat of a picture of what transpired in the afternoon. On top of that, the winners in golf and tennis were awarded appropriate prizes at dinner for their efforts.

(Continued from page 229)

the address of welcome Monday morning with Gretchen Wellman, California vice-president, presiding. The national president Burnita Shelton Matthews of the Washington, D. C. Bar, will respond.

Other local committees appointed by the national co-chairmen are as follows: Program committee, Judge Ida May Adams, chairman, Ethel Harradine, Stella Gramer, Clara P. Oliver, and Nettie Zide. Registration committee, Judge Oda Faulconer, chairman, Adele Carver, Astrid Rognes, Neva Tobin, Irene Brooks, and Florence

Anderson. Transportation committee, Grace Dempster, chairman, Arlyne Lansdale, Ethel Pepin, Jean Crop, Nadia Williams, and Anna Feinfeld.

The women attorneys will be the guests of the Los Angeles Bar Association on a visit to the Huntington Library where special exhibits have been prepared on either July 17, 18, 19. A garden tea will be served in connection with the exhibit. On July 20, there will be a trip through the motion picture studios, and a luncheon served in one of the studios.

Vigorous Action to Remove Judge Craig taken by Los Angeles Bar Association

VIGOROUS action of the Los Angeles Bar Association in taking the initiative in a movement to remove Judge Gavin Craig from his position as justice of the Second District Court of Appeal has received the praise and commendation of scores of attorneys throughout the country.

Following Judge Craig's conviction and sentence to jail by the Federal court on a charge of conspiring to obstruct justice, the Bar board of trustees and President Joe Crider, Jr., acted promptly.

Adopting the position that the Craig situation would reflect unfavorably on the judiciary as a whole if the convicted jurist were permitted to continue in the performance of his duties, the board of trustees adopted a unanimous resolution declaring that Judge Craig should, in the public interest, immediately resign.

When it became obvious that Judge Craig did not propose to submit his resignation, the bar association officials realized it was incumbent upon them to proceed with other steps to bring about the removal of the jurist. Acting under the authority of the board of trustees, President Crider placed the situation squarely before the state Legislature at Sacramento.

UP TO LEGISLATURE.

In communications to Hon. George Hatfield, president of the state senate, and Speaker Edward Craig of the state assembly, President Crider submitted copies of the Bar Association resolution and pointed out that section 10, article VI of the California Constitution provides for a method of removal of judicial officers by concurrent resolution of both houses of the Legislature, by a two-thirds vote of each house.

The constitutional section reads as follows:

"Justices of the Supreme Court, and of the District Courts of Appeal, and judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the senate on the recommendation of

the governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal."

Acting upon the Bar Association's communication, the Assembly speaker appointed a committee of three members to investigate the charges against Judge Craig and report their recommendations. The committee, consisting of Assemblymen William Mosely Jones, Ralph Wallace and Ralph Welsh conducted a hearing at Los Angeles on May 25, to hear the Bar's charges.

Speaking in behalf of the association, President Crider and Frank B. Belcher of the Board of Trustees outlined in detail the organization's objections to Judge Craig's continuance in office. Copies of the proceedings in federal court against the jurist were submitted to the legislative committee, including the indictment of the federal grand jury, the verdict of the trial jury and the judgment which ordered that the judge pay a fine and serve a year in jail.

PUBLIC INTEREST INVOLVED

In addition to the conviction, the committee was told of a series of facts and happenings, covering a period of several years, which the Bar Association contends are of such a nature that it is of vital importance to the public interest that Judge Craig be removed. Included in the lengthy list of alleged unjudicial acts were charges that the accused jurist engaged in improper political activity.

It was also stated by Mr. Belcher that Judge Craig has been named defendant in numerous civil actions during recent months because of alleged indebtedness resulting from business transactions, and has been examined as a judgment debtor. Belcher further stated that on a number of occasions Judge Craig has communicated with judges of the Superior Courts regarding pending litigation which might eventually be before him on appeal, and has had improper business dealings with attorneys.

In summing up his charges, Belcher contended that Judge Craig had violated seven of the canons of ethics of the American Bar Association through his asserted extra-judicial activities.

LEGISLATURE FAILS TO ACT

Upon returning to Sacramento, the Assembly committee recommended that action be taken by the Legislature to remove the jurist. The Assembly judiciary committee instructed the investigation committee to prepare a formal report to submit to the Assembly. However, when the matter was placed before the House, that body by a vote of 42 to 35 declined to institute the removal proceedings. It was explained by observers in Sacramento that the principal reason for the Assembly's refusal to act was that such proceedings would undoubtedly prolong the legislative session for possibly three weeks or more after the regular time to adjourn.

The effort to proceed for removal by legislative action is of especial interest in legal circles because of the fact that never before in the history of the state has this constitutional method of removal been attempted. If the action had proceeded it would have established a legal precedent and added a case of novel impression to the legal history of California. It is understood that several other states have similar constitutional provision for removing judicial officers and that the method has been used.

However, the movement to remove Judge Craig did not end with the failure of the Legislature to proceed.

QUO WARRANTO INVOKED

Acting on the theory that Judge Craig had been convicted of a felony, and for this reason disqualified to hold his office, Attorney General U. S. Webb filed *quo warranto* proceedings in the Los Angeles Superior Court. This complaint charged that the jurist unlawfully and without right holds and exercises a public civil office as associate justice of the District Court of Appeal, and contained a prayer that he be ousted and excluded from the position.

Judge Craig answered the action and after two continuances the case was scheduled for hearing June 24 before Benjamin Jones, visiting judge.

On June 8 another effort to obtain legislative action was made by Assemblyman Jones of Montebello. He introduced in the

Assembly a resolution asking Governor Merriam to call a special session of the Legislature to oust Judge Craig in the event the *quo warranto* action should not be successful. Jones' resolution referred to the *quo warranto* action and the assemblyman pointed out that the Legislature by special session could proceed against the jurist by concurrent resolution under the Constitution or by impeachment.

It has also been suggested by some legal authorities that the question of Judge Craig's removal might be placed on the ballot for decision by a vote of the people.

THE RESOLUTION

The resolution adopted by the Board of Trustees, setting forth the view of the Bar Association, follows:

BE IT RESOLVED, by the Board of Trustees of the Los Angeles Bar Association, that:

The proper administration of justice, on which the security of the people so greatly depends, not only requires that the judges who are entrusted therewith be beyond reproach, in all things pertaining to the duties of their high calling, but also that they shall at all times enjoy the full and complete confidence of the people;

Any public reproach attaching to their names, based on well-substantiated facts regarding their conduct in office, whether such conduct be condemned by penal laws or by the common standards of right, impairs the respect and confidence on which the judicial system rests, and undermines its authority; and especially so when such conduct involves their distraction from their duties by extra-judicial activities;

Application of the foregoing principles is now necessary in the public situation existing in the case of Judge Gavin W. Craig, one of the justices of the District Court of Appeal of California, Second Division, sitting at Los Angeles;

Judge Craig has been indicted by a federal grand jury, tried and convicted by a federal jury, and sentenced by a federal court, to-wit, the United States District Court for the Southern District of California, for conspiring to obstruct justice;

The transaction involved was, in its most favorable aspect, foreign to his work as a judge of the District Court of Appeal, and time and attention were thereby necessarily diverted from that work; and since his in-

(Continued on page 235)

Rapid Growth of Bar Association

NEW MEMBERS SINCE MEMBERSHIP CAMPAIGN STARTED

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 Watson, Joseph T.
 Bauder, Reginald I.
 Black, Alfred L., Jr.
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 Kaplan, Leon
 Adams, John Q.
 Arnold, Charles X.
 Brawner, W. H.
 Fendler, Harold A.
 Hastings Ross R.
 Hyne, James C.
 Kaufman, David
 Lawson, Gordon
 Lewis, L. A.
 Mealey, Wm. P.
 Murphy, Kenneth John
 Wellborn, Olin, Jr.
 Wells, Raymond B.
 Wilder, J. R.
 Lyons, Harry
 Vigg, Sandor J.
 Wolfson, Burnett
 Goodman, Benjamin J.

Hewitt, Hon. Leslie R.
 Leeds, F. Barclay
 Linn, Roy A.
 Stalzner, Robert H.
 Woolwine, Clare
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 Watkins, Fred A.
 O'Connell, G. C.
 Judson, Harold
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 Moses, Edward
 Muskat, Marcus
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A JUNIOR PLAN

By Samuel S. Willis, Chairman Junior Bar Conference, American Bar Association

THE junior bar problem has, during the past few years, ceased to be the concern, exclusively of the younger members of the bar. Bar Associations throughout the country have now, not only assumed the burden of the problem, but have recognized in its solution substantial advantages to their respective associations. Ohio, Wisconsin, Florida, Texas and Pennsylvania either have, or are planning the formation of junior units of their State Bar Associations. Baltimore, Toledo, Dallas, Los Angeles, and San Francisco have active junior bar organizations. Many others are scattered throughout the country in larger and smaller communities, and are serving the young lawyer and the bar well.

The impatience with which the younger lawyers have viewed the bar associations is largely due to the fact that they have had little or nothing to do with its work. While the complaints of the young lawyer may be, generally, unfounded, they do reflect a prevalent thought that should command the attention of the local associations. It is frequently heard that the local bar association is a "do-nothing" organization; that there is no place in it for the young man; that its sole constructive effort is the maintenance of a bar library; and that it is controlled by the larger offices and trust companies. To those who are actively engaged in the work of the bar associations the answers seem self-evident. Right or

wrong, the adverse comment clearly indicates that the younger men are not acquainted with the activities, the volume and importance of the work undertaken by the association. Very often members of the association know little, or no more than non-members. The problem then, is to attract the young man into membership, to give him some responsibility, and to keep him apprised of what is going on. Membership of one or two young men on each committee is a step in the right direction but falls far short of the goal. * * *

It is practically impossible to outline in this article the tremendous advantages of such an organization. It is clear, however, that an active junior group of the kind suggested would keep the younger members posted on the activities of the Association, the problems of the bar, and the methods being used to solve them. By placing responsibility in the younger men, it would attract them into membership and would train them for future leadership in bar activities. The Speakers' Bureau would fill a long felt need as far as the public is concerned, and would at the same time give the young lawyers a field of activity which would be as welcome as it would be profitable. It would give the younger men a finer feeling of professional solidarity and would tend to bring about a closer acquaintanceship and better understanding between the younger and older lawyers as well.

(Continued from page 233)

dictment, he has ceased to devote any appreciable time or attention to the work of his office, while continuing to receive his salary therefor;

He has taken an appeal from his conviction, and will, pending the decision thereon, and if he retains his office, receive his salary and at the same time be occupied with said appeal to an extent incompatible with the full performance of the duties of his office, for which he is paid; and to the extent that he may perform those duties, he will do so under the public reproach attaching to him by reason of his conviction upon a charge of conspiring to obstruct justice;

It is highly essential in the public interest

that his court function, not only with the devoted cooperation of all its members, but with the respect and confidence of the public; and these necessary conditions, in the opinion of this Board, have been and are rendered impossible by his situation:

Whatever may be the result of his appeal, it is obvious to this Board that his usefulness as a justice of said court has been destroyed, and that his continuance as a member thereof subjects the judiciary as a whole to question, and impedes the court of which he is a member in the performance of its functions; and

In the opinion of this Board, Judge Craig should, in the public interest, immediately resign.

Should Damages for the Wrongful Detention of Personal Property be Limited to the Value of the Property?

By Herman F. Selvin, of the Los Angeles Bar

SOMETHING must be wrong, it has been said, with a rule of law which permits the recovery, as damages for the wrongful detention of personal property, of a sum greatly in excess of the value of the property itself.¹ Sufficiently challenging in itself, this statement of one of our District Courts of Appeal is provocative of even more interest when we realize that it is in direct opposition to several decisions of other courts of this state.²

Clearly *obiter* in the opinion in which the statement is contained,³ it is nevertheless supported by dicta in several other decisions.⁴ Considered as precedents it is probably a sufficient criticism of these decisions to say that on this point they are dicta and contrary to express rulings on the subject.⁵ But treating these statements as the expression of a possible rule of law, the criticism to be valid, must concern itself with the soundness of the doctrine, rather than with the occasion of its enunciation.

In all of the cases on the point the property which was wrongfully detained was held by its true owner for use, not for sale. Manifestly this circumstance is of importance in any consideration of the law of damages—for if the property is held for sale the damage caused by a wrongful detention is necessarily the depreciation in value for that purpose.⁶ On the other hand if use has been lost to the owner by reason of another's wrong the injury suffered, and for which damages are intended to compensate, is loss of that use.⁷

FUNDAMENTAL PURPOSE

In actions of tort the fundamental pur-

pose of an award of damages is to give to the injured party an equivalent to that which he has lost by the other's delict; in other words, to restore the plaintiff, by a monetary valuation of his loss, as nearly as possible to the position which he enjoyed at the time of the defendant's wrong.⁸

In this statement of the primary object of allowing damages is to be found the true reason why there is nothing necessarily wrong with a rule which permits recovery for loss of use in an amount larger than the value of the property involved. If use has been lost, the value of that use, as closely as it may be ascertained, should be given in reparation. And although ordinarily value of the use has a close and causal connection with the value of the property itself, this connection is not an inevitable condition.

To illustrate: A book, having a value of \$2.00, if owned by a circulating library, may, during its usable life, return rentals far in excess of that amount. Plainly there is no fairness in limiting the owner's recovery to the value of that book in the event he is wrongfully deprived of its use. So, the owner of an automobile, valued at \$500, may derive a much larger return from its use as a taxi or as a "drive-yourself" vehicle. Deprivation of the use of the car, if sufficiently long continued, will cause a loss of more than \$500 at which it is valued.

To these examples—which are but typical of many other situations—it may be replied that the injured party is under a duty to mitigate the damage; therefore, if replacement of the article which is being detained may be accomplished for less than would be required to compensate for its

of use could not exceed the value of the property, and the decisions were actually placed on other grounds.

1. *Booth v. People's Finance etc. Co.*, 124 Cal. App. 131, 141; 12 P. (2d) 150.
2. *Stanley W. Smith, Inc. v. Pilgrim*, 117 Cal. App. 244, 246, 3 P. (2d) 573; *Tucker v. Hagerty*, 37 Cal. App. 789, 791-3, 174 Pac. 908.
Compare, *Drinkhouse v. Van Ness*, 202 Cal. 359, 260 Pac. 869.
3. The ground upon which the decision really turned was that the judgment was without support in the evidence, there being no testimony relating to the value of the lost use upon which damages in the amount awarded could have been predicated.
4. *Mutch v. Long Beach Improvement Co.*, 47 Cal. App. 267, 269, 190 Pac. 638; *Bonestell v. Western Automotive Fin. Corp.*, 69 Cal. App. 719, 727, 232, Pac. 734; *Bunnell v. Baker*, 104 Cal. App. 313, 318, 285 Pac. 877, 286 Pac. 1090. In all of these cases it was unnecessary to decide that damages for loss

5. *Supra*, n. 4.
6. *Morneault v. National Surety Co.*, 37 Cal. App. 285, 287, 174 Pac. 81; *McCarthy v. Boothe*, 2 Cal. App. 170, 83 Pac. 175.
7. *Atlas Development Co. v. National Surety Co.*, 190 Cal. 329, 212 Pac. 196; *Hurd v. Barnhart*, 53 Cal. 97; *Morneault v. National Surety Co.*, *supra*, n. 6; *Drinkhouse v. Van Ness*, *supra*, n. 2; *Stanley W. Smith, Inc. v. Pilgrim*, *supra*, n. 2; *Meyers v. Bradford*, 54 Cal. App. 157, 201 Pac. 471; *Tucker v. Hagerty*, *supra*, n. 2; *Taylor v. Bernheimer*, 58 Cal. App. 404, 209 Pac. 55; *Crampton v. Clark*, 137 Cal. App. 293, 30 P. (2d) 584.
8. *Civil Code*, Sec. 3333; *Donnelly v. Hufschmidt*, 79 Cal. 74, 76, 21 Pac. 546; *Maier v. Wilson*, 139 Cal. 514, 520-1, 73 Pac. 418.

lost use, the plaintiff must replace, or in any event, must be limited to replacement cost in any action to recover damages for the wrongful deprivation. But this argument presupposes the injured party's ability to foretell the future and unfairly places upon him, instead of the wrongdoer, the risk of any uncertainty as to the probable period of detention.

DOCTRINE OF MITIGATION

Of course, after the detention has terminated it is comparatively a simple matter to ascertain whether it would have been cheaper to have awaited the ultimate recovery of the property or to have replaced in immediately with substitutes. But at the time, and during the continuance, of the wrong, how is this determination to be made? In the ordinary case of wrongful detention the injured party cannot know when the property will be returned to him. Yet unless he knows he is in no position to weigh the comparative costs of waiting or replacing.

Sound though the doctrine of mitigation may be it is never pressed to such a point as to require the injured party to act affirmatively at a time when it is doubtful whether or not his action will in fact mitigate the damages.⁹ Nor is the injured party usually required to speculate upon, or assume the risk of, any uncertainties which inhere in the situation precipitated by the defendant's wrong. Doubts and uncertainties are, as a rule, made to rest upon the wrongdoer.¹⁰

Since, therefore, the propriety of an attempt to mitigate in the cases under discussion is necessarily dependent upon a guess as to the future, it would be most unfair to compel the injured party, at the risk of going partially uncompensated, to make the guess. And it is no objection to letting the risk stay with the person who produced the situation to say that in so doing he may be compelled to pay more than he would have paid had he completely destroyed the property. Whether more or less, he is paying no more than he caused to be lost. And in any event, when the property is completely destroyed the case, from standpoint of damages, is certain from the start. When it is not destroyed, but only detained, the case is necessarily uncertain so far as the plaintiff is concerned; he does not know when he will recover the property.

If the injured party need only act with diligence in attempting to recover his property knowing that for its deprivation he will be awarded the full value of the lost use, his status is certain and his course of action clear. But if his conduct is to depend on a guess as to whether or not his loss will be smaller in the event he purchased substitute property, no such uncertainty or laxity exists.

Certainty is an attribute not lightly to be discarded in the formulation of a rule of law.

9. See, generally, 17 C. J. 926, Sec. 224.

10. See, *Pacific etc. Co. v. Packers' Ass'n*, 138 Cal. 632, 638, 72 Pac. 161; *Shoemaker v. Acker*, 116 Cal. 239, 245, 48 Pac. 62.

KEEP UP THE GOOD WORK ON MEMBERSHIP DRIVE

YOU can render valuable service to your Bar Association, and to yourselves, by bringing in new members! Los Angeles County, with its more than 5,000 lawyers, should produce a Bar Association membership second to none in the country.

Ask every lawyer you meet from day to day if he or she is a member. At least send in the name of a prospective member if you do not take the membership.

Also, remember to "sell" the American Bar Association to your lawyer friends. That Association is doing great work on behalf of the profession everywhere. It deserves and must have your cooperation in order to carry out its splendid program.

Besides, the A. B. A. Convention meets here in July and you will want to take part in its instructive and interesting sessions.

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(Additional)

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Plebiscite to Be Revised

A NUMBER of members of the Association have expressed themselves to the effect that it is their belief that the present form of plebiscite may be simplified to a considerable extent without sacrificing its value.

These expressions and others concerning the plebiscite are being given consideration by the Standing Committee on Judicial Candidates and Campaigns and the Board of Trustees and it is the present plan of the Committee and the Board to present to the members of the Association, in the early Fall of this year, a contemplated revision of the Article of the By-laws concerning judicial candidates.

It is the consensus of opinion of those giving the matter consideration that the expense of taking the plebiscite may be consistently reduced without sacrificing result by simplifying the procedure with particular reference to the complicated form of questionnaire. The Committee will welcome any suggestions concerning this matter from members of the Bar.

JEFFERSON P. CHANDLER,

Chairman Standing Committee on Judicial Candidates and Campaigns.

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